



New Jersey Department of Children and Families Policy Manual

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Federal Law and State Statute 9-29-2006

Purpose

The passage of the Adoption Assistance and Child Welfare Act in 1980 (P.L. 96-272) brought with it a requirement that states demonstrate their commitment to prevention and reunification services by developing and expanding permanency and child welfare services.

Child's health and safety is the State's paramount concern. The 1997 federal Adoption and Safe Families Act (ASFA) (P.L. 105-89) expands the previous Act, declaring that in determining and making reasonable efforts for a child, the child's health and safety is the State's paramount concern. ASFA requires the State to implement activities, (services, case plans, and case reviews) directed at improving the State's efforts to achieve safety and timely permanency for children.

Authority: 12-22-2008

PL 96-272

PL 105-89

When removing the child from the home, the State must obtain a judicial determination, explicitly documented in the court order, that the State provided services to the family to prevent the child's removal from the home and to reunify the family, or where safety considerations took precedence, that reasonable efforts to prevent placement or return the child were not required. For placement by voluntary consent in a residential treatment center or independent living, the necessary judicial determination, explicitly documented in the court order, is obtained through the Child Placement Review process.

ASFA further defines that each child placed outside his or her home by the State has the right to permanency through:

- Return to the child's own home, if the child can be returned home without endangering the child's health and safety;
- Adoption, if reunification is not possible;
- An alternative permanent placement, such as Kinship Legal Guardianship, if termination of parental rights is not appropriate and reunification is not possible.

Federal Funding Tied to Implementation of Permanency Efforts 9-29-2006

In order to emphasize the federal commitment to the intent of the Adoption Assistance and Child Welfare Act and ASFA, which amended sections of the Social Security Act, and to achieve their priorities, federal funding is tied to the ability of states to demonstrate that the reasonable efforts and permanency requirements were implemented. In order for an agency to claim federal matching funds, state child welfare agencies must:

- Make reasonable efforts to prevent the removal of a child from his home;
- Make reasonable efforts to finalize permanency plans for a child within a timely manner;
- Provide a written judicial determination (court order) that reasonable efforts to prevent placement or to reunite a child with his or her family occurred, or an exception to reasonable efforts documented in a court order and filed in the child's case record.

Reasonable efforts to prevent placement are required in accordance with N.J.S.A. 30:4C-11.1 -- When determining reasonable efforts, the child's health and safety are of paramount concern. The Division must make reasonable efforts, prior to placement, to preserve the family in order to prevent removal. When placement of the child becomes necessary, the Division must work toward the safe reunification of the child with his/her family, or toward the achievement of an alternative permanency plan in a timely manner.

Concurrent Planning Required for All Children in Out-of-Home Placement With a Goal of Reunification 9-29-2006

Concurrent planning is a case practice that provides reunification efforts while simultaneously implementing an alternative or back-up permanency plan in the event that reunification cannot be accomplished within the legally prescribed time frames. See [CP&P-III-B-2-300](#) for a detailed description of concurrent planning policy.

N.J.S.A. 30:4C-11 states that while making reasonable efforts to preserve and reunify the child's family, the Division may make concurrent reasonable efforts to place a child for adoption, with a legal guardian, or in an alternative permanent placement.

In any case in which family reunification is not the permanency plan for the child, the Division makes reasonable efforts to place the child in a timely manner and to complete the steps necessary to finalize the permanent placement of the child.

Legal conditions where reasonable efforts to prevent placement are not required - N.J.S.A. 30:4C-11.2 and N.J.S.A. 30:4C-11.3 stipulate the conditions under which the Division, after accepting a child in care or custody, including placement, is not required to provide reasonable efforts to prevent placement of the child or to reunify a child with a parent. See [CP&P-IV-A-3-200](#) and N.J.S.A. 30:4C 11-2. - Reasonable Efforts Not Required.

Reasonable Efforts 12-22-2008

"Reasonable efforts" as defined in N.J.A.C. 3A:11-1.3 "means the provision of services to the family that are individually assessed to be relevant to the case goal, coordinated with other services, available and accessible and that have a realistic potential to meet the child's needs for a safe, secure, and permanent relationship with a family or another permanent arrangement."

Reasonable efforts include, but are not limited to:

- Identifying family problems;
- Arranging and funding services to help a family stay together;
- Assessing extended family and friends as supports to the family or as alternatives to placement;
- Arranging visitation with parents and siblings;
- Ensuring that the child is in a stable placement which is safe and appropriate to meet his needs;
- Providing services to speed a child's safe return home, and/or
- Providing services to achieve another permanent plan in a timely manner, in accordance with the best interests of the child.

Reasonable efforts apply to the services focused on preventing out-of-home placement and those focused on achieving permanency, e.g., reunification, relative or adoptive placement, an alternative permanency plan, etc.

The term "reasonable efforts" connotes an absence of negligence and a reasonable level of diligence and purposefulness in working with the family. That is, once a service (including visits by the Worker) is found which will address the identified problem/need, the efforts made to carry out the case plan must be positive, constant, purposeful, and sincere. The Worker must make concerted attempts to link the client family with a service or to encourage them to avail themselves of a service before the standard of "reasonable efforts" can be considered to have been achieved.

When not making reasonable efforts, a court of competent jurisdiction must determine that reasonable efforts to prevent placement or to reunify are not required. A court of competent jurisdiction is defined as a court, either civil or criminal, having lawful jurisdiction to hear the matters before it.

Reasonable Efforts Requirements - General 12-22-2008

The Division is required to make reasonable efforts to maintain a family unit and to prevent the removal of a child from his/her home, as long as the child's health and safety is assured. When placement of the child becomes necessary, the Division must work towards the safe reunification of the child with his/her family, or towards the achievement of an alternative permanency plan in a timely manner. In determining reasonable efforts to be made, the child's health and safety must be the paramount concern.

The Division must make reasonable efforts to:

- Prevent or alleviate the need for out-of-home placement of a child unless there is a judicial determination that reasonable efforts to prevent placement are not necessary pursuant to N.J.S.A. 30:4C-11;
- Return a child home safely when an out-of-home placement has been necessary unless there is a judicial determination that reasonable efforts to reunify are not necessary pursuant to N.J.S.A. 30:4C-11; and
- Provide permanency through adoption, or through an alternative permanent placement when a child cannot return home without endangering the child's health and safety.

It is not enough to simply arrange a service for a family. The Worker must, for example, determine that transportation is available and that the family's work schedule has been considered. If the family has no means of transportation, it is expected that the Worker will provide or arrange it. Or, if a family needs food, the Worker must arrange for it to be delivered if the family has no means of picking it up themselves. The Worker must, in most situations, make consistent and concerted efforts to engage a family with a service. He must encourage, assist, and advocate for the family to both access and use appropriate services.

While it is not necessary to continue making efforts which are clearly futile, it is necessary to make repeated efforts to engage the client family in prevention/reunification activities, perhaps trying to engage the family by trying different approaches. If repeated efforts are unsuccessful, it is necessary to document specifically and clearly that the family was made aware not only of the identified problems and the plan for addressing them, but also of the consequences should they choose not to participate in efforts to resolve the problems.

In order to meet the "reasonable efforts standard," it is crucial that language/communication barriers be addressed and efforts made to overcome them. For example, provide a family with a hearing-impaired member with the services of a certified interpreter for the hearing impaired or the non-English speaking family with the services of a bilingual worker or interpreter. See [CP&P-II-C-3-100](#), Policy for Intervening with Clients who are Deaf and Hard of Hearing.

Case Management Activities Related to Reasonable Efforts 5-5-2008

Reasonable efforts are attempts by the Division, (which must be documented in the case record), to assist parents in remedying the circumstances and conditions that may lead or have led to the placement of the child and in reinforcing the family structure.

These include, but are not limited to, the following case management activities:

- Identifying family problems, establishing a case goal and consulting and collaborating with the parent(s) in developing a written case plan for appropriate needs-based services to be provided by the Division.

Note: For all children entering placement with a primary goal of reunification, the Worker is required to immediately establish a concurrent permanency goal and work simultaneously toward both reunification and an alternate permanent plan for the child. See [CP&P-III-B-2-300](#).

- Providing verbal and written notification of parental responsibilities (for making the necessary changes addressed in the case plan), in order to prevent removal of the child or to facilitate family reunification;
- Engaging and involving the family through the family engagement process. See [CP&P-III-B-5-500](#);
- Developing a Safety Protection Plan with the parent or caregiver, to keep the child safe and at home. See [CP&P-III-B-6-600](#);
- Arranging for, referring to, or contracting for and funding services to the family, that have been agreed upon, in order to prevent removal of the child or to further the goal of family reunification;

- Monitoring the effectiveness of all services by assessing the outcome of services in the context of the progress or improvements made toward achieving safety, permanency and child and family well-being;
- Changing the services as needed, on an ongoing basis, through consultation with the family and service provider or by direct observation; and by identification of any barriers to service provision or utilization, and the development and implementation of strategies to overcome those barriers;
- Searching for missing parents and extended family by asking the parent(s) or caregiver(s) and the child, if old enough, for the names and addresses of relatives and writing to the last known address or employer, if one is known. A relative search must be reasonable and practical.

Note: Routine search requests are not handled by the State Police. When searching for missing parent(s)/caregiver(s), only involve the State Police Missing Persons Unit when guardianship or termination of parental rights is being pursued. Use DCF Form [5-68](#), State Police Search Letter for Guardianship/Termination of Parental Rights.

- Assessing extended family (both maternal and paternal), previous caregivers, and friends as supports to the family or as placement resources, and documenting these activities;
- Establishing a visitation plan for each child in out-of-home placement, including visitation with parents, siblings and interested relatives, in accordance with the case plan;
- Ensuring that the child is placed in the least restrictive, most familiar, most proximate out-of-home placement available that can meet the child's needs while keeping the child safe (by exploring relatives, family friends, making efforts to place siblings together and by considering a child's previous resource home as a placement resource);
- Considering the potential for permanency at the time of initial placement by selecting a placement resource that is most likely to consider adoption, if reunification is not possible;
- Educating parents regarding the child's need for permanency, as this will drive the case plan and time frames.
- Informing the parent at appropriate intervals of the child's progress, development and health;
- Advising the family of the efforts or exceptions to reasonable efforts and of the potential consequences if they fail to make necessary changes, comply with the case plan, utilize services, or correct the problem that may cause or had caused

the placement. In accordance with the premise of full disclosure, specifically advise the parents within 72 hours of placement, that the goal is to establish permanency for each child within 12 months of placement. Throughout the process, discuss the possibility that termination of parental rights and adoption could be pursued, if the family does not move forward to a safe reunification. See [CP&P-III-B-2-300](#).

- Advising the family of their rights and opportunities to dispute Division actions or decisions. See N.J.A.C. 3A:5-2.2;
- Facilitating and participating in periodic review of children in out-of-home placement, including placement reviews and permanency hearings;
- Providing services to speed the child's return home or to facilitate a timely permanent placement of the child. Services provided by the Division should be based on the child's needs, being consistent with sensible, judicious, and good case practice.

Reasonable Efforts to Prevent Placement 3-17-2008

The Division must select a case goal, make a written case plan to provide services, and make and document reasonable efforts to maintain a child in his or her own home including, but not limited to, the following activities:

- Assuring the immediate physical safety of the child and the provision of necessary medical treatment;
- Identifying each parent, relative and family friend resource who may be willing and able to assist the family, and enlisting the assistance of such identified persons, where appropriate, in the provision of services to the family, according to the case plan;
- Providing services directly or arranging for, referring to or contracting with community service providers on behalf of the family needing services, according to the case plan;
- Monitoring the effectiveness of the services being provided to the family and changing the services as needed on an ongoing basis;
- Advising the family of the potential consequences if they fail to make the necessary changes, comply with the case plan, or utilize the service(s); and
- Advising the family of their rights and opportunities to dispute Division actions or decisions.

Reasonable Efforts to Prevent Placement Not Required 3-17-2008

In certain case situations, the Division is not required to provide reasonable efforts to prevent a child's removal from his/her home, but may choose to. See N.J.S.A. 30:4C-11.2 and [CP&P-IV-A-3-200](#), Reasonable Efforts to Prevent Placement Not Required, for specific circumstances.

In these situations, a court of competent jurisdiction must determine that reasonable efforts to prevent placement were not required. In accordance with State statute and administrative code, an exception to the reasonable efforts requirement can only be upheld when certain conditions exist or when a parent has been convicted of certain crimes. No later than 60 days after removal, the court must issue a judicial determination declaring that efforts to prevent placement were not required.

Reasonable Efforts to Reunify 9-29-2008

When a child is in out-of-home placement, the Division must make a written case plan, developed with family participation, and make and document reasonable efforts to reunify a child safely with the parent(s). Reasonable efforts to reunify include, but are not limited to, the following activities:

- Informing the parent(s) at appropriate intervals of the child's progress, health and development, in accordance with the case plan;
- Identifying and evaluating relatives (both maternal and paternal), previous caregivers, and family friend resources, who may be willing and able to provide services to the family or the child;
- Facilitating appropriate visitation for the child and his or her parent(s), siblings, and interested relatives, in accordance with the case plan;
- Educating parents regarding the child's need for stable, permanent care;
- Informing the parent(s) at appropriate intervals of changes, circumstances or conditions necessary to achieve family reunification, in accordance with the case plan;
- Informing the parent(s) from the moment of placement, that if those changes, circumstances, or conditions necessary for reunification are not achieved within the time frame specified in the case plan, there will be consequences, such as the Division arranging an alternative permanent home or permanency plan or filing a termination of parental rights petition, unless an exception to termination of parental rights is documented by the Division.

Reasonable Efforts to Reunify Not Required 3-17-2003

In certain case situations, the Division is not required to provide reasonable efforts to reunify a child with a parent, but may choose to do so. In these situations, a court of competent jurisdiction must determine that reasonable efforts to reunify a child with a parent are not required. See N.J.S.A. 30:4C-11.3 and [CP&P-IV-A-3-200](#), Reasonable Efforts to Reunify Not Required, for specific circumstances.

In any case in which family reunification or return to the parent is not the permanency plan for a child, and reasonable efforts to reunify are not required, the Division must document reasonable efforts to place a child in a permanent placement in a timely manner. The Division must also complete the steps necessary to finalize permanent placement of the child, including initiating child-specific recruitment efforts if necessary.

If a court determines that reasonable efforts to reunify a child with a parent are not required, the court must hold a permanency hearing that shall provide review and approval by the court, within 30 days of the court determination. See N.J.S.A. 30:4C-61.2a(1), [CP&P-IV-A-3-100](#), Permanency Hearing Requirements, and [CP&P-IV-A-3-200](#).

Permanent Plans Other Than Reunify/Return Home 12-22-2008

The Division pursues an alternative permanent plan, taking into consideration the best interests, safety, and well-being of the child, when:

- Reasonable efforts to return the child home pursuant to N.J.S.A. 30:4C-11.1b have failed to enable the child to return home, and the Division's search for and assessment of relatives pursuant to N.J.S.A. 30:4C-12.1 indicate there are no relatives known, able and willing to meet the needs of the child; and the Division has determined that grounds exist pursuant to N.J.S.A. 30:4C-15 and 15.1 to petition the court to terminate parental rights;
- The parent has relinquished or intends to voluntarily relinquish his or her parental rights to the child or the parental rights have been terminated in a court of competent jurisdiction or the parent's identity or whereabouts are unknown;
- Reasonable efforts to return the child home pursuant to N.J.S.A. 30:4C-11.1b have failed to enable the child to return home and there is a relative or family friend willing and able to care for the child on a permanent basis with or without a termination of parental rights;
- The child is orphaned or abandoned pursuant to N.J.S.A. 9:6-1 and N.J.S.A. 30:4C-15 and 15.1; or a court of competent jurisdiction has determined that the parent has committed certain crimes; or the child has been in placement for 15 of the most recent 22 months, and no exception has been documented by the Division (e.g., the child is placed with a relative at the option of the State; the State documents a compelling reason not to file a petition for Termination of Parental Rights; or the State has not provided the services, identified in the case

plan, necessary to make the home safe for the child's return within the time specified in the case plan) pursuant to N.J.S.A. 30:4C-15 and 15.3;

- The child does not want to return home and is of sufficient age and maturity to make that determination, based upon a demonstration by the child to the Division representative that the child possesses such maturity; or
- The psychological, medical, physical or educational needs of the child require an alternative permanent plan.

The Division must pursue reasonable efforts to achieve a case goal of permanency when family reunification is not possible and must document in the child's case plan efforts to:

- Place the child in the physical custody of a competent and willing relative;
- Find an adoptive family or permanent home, which could include child-specific recruitment efforts if necessary i.e., consult State, Regional or National Exchanges;
- Place the child with an adoptive family, legal guardian, or other permanent home;
- Finalize the adoption or guardianship; or
- Finalize the provisions for another planned permanent living arrangement, such as independent living, kinship legal guardianship or other long-term specialized care. Such arrangements require a determination by the Division that Termination of Parental Rights (TPR) followed by adoption is not in the child's best interest and there is a compelling need for another permanent arrangement.

The goal of the Division's permanency planning efforts is to enable the child and family to function independently of Division intervention, supervision or direct services. This may include providing services and supports to enable the child to function independently, when appropriate, and the case goal is independent living. There are exceptions to functioning completely independent of the Division's services, such as subsidized adoption and the Legal Guardianship Subsidy Program. In these programs, the Division continues to provide financial assistance and/or medical assistance. See [CP&P-IV-C-8-100](#), Adoption Subsidy. For the Legal Guardianship Subsidy Program, refer to N.J.S.A. 3B:12A-1 to 6 and N.J.S.A. 30:4C-84 to 88.

CHOOSING SERVICES

Services Must Be Correlated to Identified Needs 5-10-2010

Before any services, including the use of natural support systems, are arranged and implemented, consideration must be given to the correlation of the service to the identified problem. That is, will a particular service address the needs and the nature of the problem and resolve the factors which are threatening family stability or which precipitated the child's entry into out-of-home placement? Is the service related to the needs of the family and child?

Whatever the identified services, the worker's efforts must be reasonable, aggressive and focused.

Services Must Meet Specific Criteria 5-10-2010

The services selected to address a family's needs/problems must be:

- Relevant -- Relevance refers to whether the service will address a particular problem and reduce risk or enhance family functioning. Services should not be extraneous to the individual needs of the family (e.g., providing a homemaker when a parent needs job skills training).
- Adequate -- Adequacy of services refers to the ability of the service or service provider to meet the identified needs of the client, to have a realistic potential to meet the child's needs for a safe and permanent relationship with a family or another permanent arrangement, and to the duration and frequency of the service contact. It also includes the use of a variety of services to address different needs. That is, if provision of one specific service will only partially address a problem, another service or a complementary service may need to be added to address the remainder of the problem.
- Coordinated -- Coordinated services are necessary when there is more than one service provider or there is more than one family member receiving services from the same provider. Goals should be clear to those involved to prevent conflicting expectations or outcomes. Services should be complementary, not duplicative.
- When domestic violence is present, domestic violence services are needed. Collaborate with the Domestic Violence Liaison (DVL) in the Local Office. See [CP&P-VIII-B-1-100](#), Domestic Violence.
- Accessible -- Accessibility refers to scheduling, proximity to the parents' home or availability of transportation, and absence of language or other barriers.
- Available -- Availability refers to whether services are readily obtainable. That is, is there a long waiting list, or can the client begin immediately Does a needed service exist or can it be developed?

Case Practice Implications 12-27-2004

In order to prevent unnecessary out-of-home placements, unnecessarily long placements, or delays in permanent placements, reasonable actions toward goal achievement must occur. That is, for children in their own homes, the Division must demonstrate actions to maintain the family; for children in placement, the Division must demonstrate actions to return them to their own homes or to facilitate permanency, through adoption, permanent placement with a relative or family friend (such as kinship legal guardianship or relative with custody), independent living, or other long-term specialized care. For plans other than adoption or permanency with a relative or family friend, the Division must determine that Termination of Parental Rights (TPR) followed by adoption is not in the child's best interest and that another permanent arrangement would be best for the child. For exceptions to filing a TPR action, see [CP&P-IV-C-1-500](#), Circumstances That Are Exceptions to Filing for TPR.

Once it is determined that the chosen services or actions are appropriate, it is the Worker's responsibility to take steps to ensure that arrangements are made either by the family or on the family's behalf in order for the family to receive/utilize the service. This may, for example, require providing transportation or reimbursing a family for transportation costs. It may require the coordination and monitoring of different service providers to ensure mutual understanding of each others' parts in the total service picture. The Worker may consult with the LO Resource Development Specialist (RDS) for identification of available services or service providers.

Documentation 12-27-2004

Documentation of efforts is critical to the ability of the Division to demonstrate to the family and the court that it has appropriately and reasonably addressed its mandate, and to prove to the court that it did all that was reasonable to prevent placement, to reunify a family, or to provide permanency through adoption, permanent placement with a relative or family friend (such as kinship legal guardianship or relative with custody), independent living, or other long-term specialized care. For plans other than adoption or permanency with a relative or family friend, the Division must determine, demonstrate to the court, and document in case recording that Termination of Parental Rights (TPR) followed by adoption is not in the child's best interest and that another permanent arrangement would be best for the child. This would be described as a "compelling reason" not to file a TPR Complaint. It is one of the "exceptions" to TPR filing that the Division may establish and document.

To demonstrate reasonable efforts, the Worker needs to document in case recording:

- The nature of services arranged and offered including a description of services needed by and offered to the family to prevent placement.
 - Include any services identified as needed, but not secured or provided;
 - Document the reason for not utilizing the service;

- Describe any placement alternatives explored;
- How the services are appropriately related to the problems, the client's level of understanding of the identified problems, and the client's cooperation/participation in therapy, counseling, visitation, etc.;
- What harm the placement is expected to prevent; and
- That the client family is involved in developing the case plans, or, if they are not, that they are apprised of the plans and of the Division's expectations for their cooperation and participation and the consequences, should they not participate/cooperate. Efforts to engage the parent in planning/services should be noted, particularly when the Worker has been unable to secure his or her cooperation. Document all verbal and written efforts (via regular and certified mail) to communicate with and engage the parents. An assessment of why the parent was resistant, disagreed or is not willing to cooperate should be included. See also [CP&P-III-C-6-100](#).

If reunification efforts are not required, due to a judicial determination of an exception to the reasonable efforts requirement, the Division must document reasonable efforts to place the child in a permanent placement in a timely manner, and to complete steps necessary to finalize permanent placement of the child, including child-specific recruitment efforts.

The Worker documents reasonable efforts through or in:

- The Contact Sheet, CP&P Form [26-52](#);
- The Visitation Plan, CP&P Form [26-83](#);
- The Relative Identification and Evaluation Chart, CP&P Form [26-82](#), when available;
- The Family Summary/Case Plan, CP&P Form [26-81](#), for all cases;
- The Notice of Placement, CP&P Form [5-47](#);
- Letters to parents (sent regular and certified mail), providers and others; and
- Letters or other records/documentation from providers and others.